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09/757,903	01/10/2001	Luis M. Ortiz	K1033	8298

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Kermit D. Lopez
PO Box 7720
Dallas, TX 75209-0720

EXAMINER

ABRISHAMKAR, KAVEH

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 07/28/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

28

Office Action Summary

Application No.

09/757,903

Applicant(s)

ORTIZ, LUIS M.

Examiner

Kaveh Abrishamkar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This action is in the response to the communication filed on January 10, 2001. Claims 1 – 44 were received for consideration. No preliminary amendments for the claims were filed. Currently claims 1 – 44 are under consideration.

Information Disclosure Statement

2. An initialed and signed copy of Applicant's IDS form 1449, Paper No. 2, is attached to the Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 21, and 23 – 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Price-Francis (U.S. Patent 5,815,252).

Regarding claim 1, Price-Francis discloses:

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A method for biometrically securing access to an electronic system, said method comprising the steps of:

prompting a user to input to said electronic system at least one biometric attribute randomly selected from a user profile containing biometric attributes of said user (column 5 lines 47 – 58); and

permitting said user to perform a user-desired activity, if at least one biometric attribute input by said user to said electronic system matches said at least one biometric attribute randomly selected from said user profile (column 6 lines 40 – 58).

Regarding claim 23, Price-Francis discloses:

A system for biometrically securing access to an electronic system, said system comprising:

module for prompting a user to input to said electronic system at least one biometric attribute randomly selected from a user profile containing biometric attributes of said user (column 5 lines 47 – 58); and

module for permitting said user to perform a user-desired activity, if at least one biometric attribute input by said user to said electronic system matches said at least one biometric attribute randomly selected from said user profile (column 6 lines 40 – 58).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

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The method of claim 1 wherein said user profile is accessible from a server through said electronic system (column 7 line 60 – column line 10).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said user profile is accessible from a biometric broker through said electronic system over a secure network connection (column 4 lines 50 – 67).

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 further comprising the steps of:

obtaining at least one biometric attribute from said user for compilation in a user profile (column 4 lines 50 – 67);

compiling said user profile (column 4 lines 50 – 67); and

storing said user profile in a location accessible by at least one electronic system (column 4 lines 50 – 67).

Claim 6 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 further comprising the step of: comparing at least one biometric attribute input by said user to said electronic system with said at

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least one biometric attribute randomly selected from said user profile (column 6 lines 30 – 60).

Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said electronic system comprises at least one wireless device that operates with a wireless network (column 7 lines 60 – 67).

Claim 9 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said electronic system comprises at least one computer workstation operable over an associated network (column 7 lines 60 – column 8 line 10).

Claim 10 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said electronic system comprises an automated teller machine (column 1 lines 33 – 55, column 7 lines 37 – 48).

Claim 11 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

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The method of claim 1 wherein said electronic system comprises a secure entry system to a secured environment (column 6 lines 40 – 58).

Claim 12 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said electronic system comprises a wireless network (column 7 lines 60 – 67).

Claim 13 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said electronic system comprises a computer network (column 7 lines 60 – column 8 line 10).

Claim 14 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said electronic system comprises a wireless device (column 7 lines 60 – 67).

Claim 15 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 further comprising the steps of:
identifying at least one defective biometric attribute associated with said user (column 6 line 10 – column 7 line 36); and

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thereafter prompting a user to input to said electronic system at least one additional biometric attribute randomly selected from a user profile containing biometric attributes of said user (column 6 line 40 – column 7 line 36).

Claim 16 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said user-desired activity comprises a financial transaction (column 1 lines 33 – 55, column 7 lines 37 – 48).

Claim 17 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said user-desired activity comprises an ATM transaction (column 1 lines 33 – 55, column 7 lines 37 – 48).

Claim 18 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said user-desired activity comprises access to a secure area (column 6 lines 40 – 58).

Claim 19 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said user-desired activity comprises access to data from said electronic system (column 6 lines 40 – 58).

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Claim 20 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said user-desired activity comprises execution of a mechanical activity (column 6 lines 40 – 58).

Claim 21 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 further comprising the step of:
initiating access to said electronic system utilizing only one biometric attribute input to said electronic system (column 6 lines 40 – 58).

Claim 24 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said user profile is accessible from a server through said electronic system (column 7 line 60 – column 8 line 10).

Claim 25 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said user profile is accessible from a biometric broker through said electronic system over a secure network connection (column 4 lines 50 – 67).

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Claim 26 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein:

at least one biometric attribute is obtained from said user for compilation in a user profile (column 4 lines 50 – 67); and

said user profile is stored in a location accessible by at least one electronic system (column 4 lines 50 – 67).

Claim 27 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said user is permitted to modify said user profile, in response to approval of a request by said user (column 4 lines 50 – 67).

Claim 28 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 further comprising: module for comparing at least one biometric attribute input by said user to said electronic system with said at least one biometric attribute randomly selected from said user profile (column 6 lines 31 – 60).

Claim 30 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

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The system of claim 23 wherein said electronic system comprises at least one wireless device that operates with a wireless network (column 7 lines 60 – 67).

Claim 31 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said electronic system comprises at least one computer workstation operable over an associated network (column line 60 – column 8 line 10).

Claim 32 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said electronic system comprises an automated teller machine (column 1 lines 33 – 55, column 7 lines 37 – 48).

Claim 33 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said electronic system comprises a secured entry system to a secured environment (column 6 lines 40 – 58).

Claim 34 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

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The system of claim 23 wherein said electronic system comprises a wireless network (column 7 lines 60 – 67).

Claim 35 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said electronic system comprises a computer network (column 7 line 60 – column 8 line 10).

Claim 36 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said electronic system comprises a wireless device (column 7 lines 60 – 67).

Claim 37 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 further comprising the steps of:

module for identifying at least one defective biometric attribute associated with said user (column 6 line 40 – column 7 line 36); and

wherein said user is thereafter prompted to input to said electronic system at least one additional biometric attribute randomly selected from a user profile containing biometric attributes of said user (column 6 line 40 – column 7 line 36).

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Claim 38 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said user-desired activity comprises a financial transaction (column 1 lines 33 – 55, column 7 lines 37 – 48).

Claim 39 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said user-desired activity comprises access an ATM transaction (column 1 lines 33 – 55, column 7 lines 37 – 48).

Claim 40 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said user-desired activity comprises access to a secure area (column 6 lines 40 – 58).

Claim 41 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said user-desired activity comprises access to data from said electronic system (column 6 lines 40 – 58).

Claim 42 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

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The system of claim 23 wherein said user-desired activity comprises execution of a mechanical activity (column 6 lines 40 – 58).

Claim 43 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein access to said electronic system is initiated utilizing only one biometric attribute input to said electronic system (column 6 lines 40 – 50).

Claim 5 is rejected as applied above in rejecting claim 4. Furthermore, Price-Francis discloses:

The method of claim 4 further comprising the step of: permitting said user to modify said user profile, in response to approval of a request by said user (column 4 lines 50 – 67).

Claim 7 is rejected as applied above in rejecting claim 4. Furthermore, Price-Francis discloses:

The method of claim 6 further comprising the step of: subsequently prompting a user to input to said electronic system at least one additional biometric attribute randomly selected from said user profile, if at least one biometric attribute previously input by said user to said electronic system does not match said at least one biometric attribute previously randomly selected from said user profile (column 6 line 59 – column 7 line 36).

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Claim 29 is rejected as applied above in rejecting claim 28. Furthermore, Price-Francis discloses:

The system of claim 28 further comprising: module for subsequently prompting a user to input to said electronic system at least one additional biometric attribute randomly selected from said user profile, if at least one biometric attribute previously input by said user to said electronic system does not match said at least one biometric attribute randomly previously selected from said user profile (column 6 line 59 – column 7 line 36).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price-Francis (U.S. Patent 5,815,252) in view of Murakami et al. (U.S. Patent 6,483,929).

Regarding claim 22, Price-Francis discloses:

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A method for biometrically securing access to an electronic system, said method comprising the steps of:

prompting a user to input to said electronic system at least two biometric attributes randomly selected from a user profile containing biometric attributes of said user (column 5 lines 27 – 59, column 6 line 31 - column 7 line 12).

Price-Francis does not explicitly mention permitting a user to perform a user-desired activity if the biometric attributes input by the user matches at least two biometric attributes randomly selected from the user profile. Murakami discloses a method that uses more than one biometric attribute for authentication (column 4 lines 23 – 33, column 11 lines 24 – 40). Murakami discloses that the use of multiple biometric attributes decreases the odds that an unauthorized individual will replicate the authorized person's biometric profile with the addition of each additional biometric attribute (column 4 lines 23 – 33). Price-Francis has a system which has a plurality of biometric attributes stored and can successively repeat biometric data from a user based on a determination step (Figure 2).

Therefore it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the determining step of Price-Francis to require more than one positive affirmation of biometric identity to increase security when desired as in the method used by Murakami. The requirement of more than one positive biometric affirmation adds another measure of security while reducing the electronic sophistication of the equipment (Murakami column 2 lines 23 – 36) and to reduce the likelihood that an

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unauthorized person will improperly be granted access (Murakami column 2 lines 37 – 47).

Regarding claim 44, Price-Francis discloses:

A system for biometrically security access to an electronic system, said system comprising:

module for prompting a user to input to said electronic system at least two biometric attributes randomly selected from a user profile containing biometric attributes of said user (column 5 lines 27 – 59, column 6 line 31 - column 7 line 12).

Price-Francis does not explicitly mention permitting a user to perform a user-desired activity if the biometric attributes input by the user matches at least two biometric attributes randomly selected from the user profile. Murakami discloses a method that uses more than one biometric attribute for authentication (column 4 lines 23 – 33, column 11 lines 24 – 40). Murakami discloses that the use of multiple biometric attributes decreases the odds that an unauthorized individual will replicate the authorized person's biometric profile with the addition of each additional biometric attribute (column 4 lines 23 – 33). Price-Francis has a system which has a plurality of biometric attributes stored and can successively repeat biometric data from a user based on a determination step (Figure 2).

Therefore it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the determining step of Price-Francis to require more than one positive affirmation of biometric identity to

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increase security when desired as in the method used by Murakami. The requirement of more than one positive biometric affirmation adds another measure of security while reducing the electronic sophistication of the equipment (Murakami column 2 lines 23 – 36) and to reduce the likelihood that an unauthorized person will improperly be granted access (Murakami column 2 lines 37 – 47).


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 703-305-8892. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

KA
07/23/04


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100